| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2723  Responded to: 3rd November 2023 |
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Your recent request for information is replicated below, together with our response.

## The firearm licencing branch currently seizes registered firearms from owners accused of any potential offence. This ‘one size fits all’ approach violates the principle expounded in 'R v Wakefield Crown Court ex-parte Oldfield (1978).' This case, features in the current guide on firearms licencing law and section 55(a)(4) of the Firearms Act 1968 (amended) states that the chief officer must have regard to any guidance issued under this section.

## They also cash cheques sent with applications for the grant or renewal of firearms and shotgun certificates immediately on receipt. This contravenes Sections 32(1), (a), (b), (c), (d), and (e) of the above legislation.

## What, if any, other policies do the licencing section operate that ignore or overrule guidance and/or statutory legislation?

I would direct you first of all to our [Complaints About the Police Standard Operating Procedure](https://www.scotland.police.uk/spa-media/fifhh5vo/complaints-about-the-police-sop.pdf).

In terms of section 14(1) of the Freedom of Information (Scotland) Act 2002, I am refusing to respond to your request on the basis that I consider it to be ‘vexatious’.

‘Vexatious’ is not defined in the Act but I would refer to the following factors as set out in the Commissioner’s guidance:

1. It would impose a significant burden on the public authority
2. It does not have a serious purpose or value
3. It is designed to cause disruption or annoyance to the public authority
4. It has the effect of harassing the public authority
5. It would otherwise, in the opinion of a reasonable person, be considered to be manifestly unreasonable or disproportionate.

Furthermore, an authority can reasonably conclude that a particular request represents the continuation of a pattern of behaviour.

It might, in those circumstances, decide the request can be refused as the continuation of the pattern of behaviour makes the latest request vexatious.

This may arise, for example, where a requester has an on-going grievance against a public authority, or could reasonably be described as conducting an extended campaign to the point that their behaviour can be described as obsessive.

The purpose of FOI is to provide a right of access to recorded information and we respond to thousands of requests each year which seek to exercise that right.

We are committed to the principles of openness and accountability and that means focusing on those requests whereby individuals are genuinely motivated by accessing the information we hold.

It is my assessment that overall, your request has no serious purpose or value and in the opinion of a reasonable person, would be considered to be manifestly unreasonable or disproportionate.

I can confirm that your request has the effect of harassing Police Scotland in the circumstances and is both a burden and significant waste of resources.

To be of assistance, please see our Firearms Licensing SOP on the Police Scotland website:-

[Firearms Licensing SOP](https://www.scotland.police.uk/spa-media/kmiatsr0/police-scotland-publication-scheme-firearms-licensing-v7-00.docx)

If you require any further assistance please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.